

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Prime Minister and Cabinet Portfolio

Department of the Prime Minister and Cabinet

Budget Estimates Supplementary Hearings 2003-2004, 3-4 November 2003

Question: PM 57

Outcome 1 Output 4

Topic: Loss of backup tapes by Telstra Enterprise Services (TES)

Hansard Page: F&PA 69

Senator Sherry asked: Are the employees at Telstra Enterprise Services, both the administrative staff and/or the cleaning staff, security cleared by the government?

Answer: All Telstra Enterprise Services (TES) staff and subcontracted staff who have access to Group 5 data, Group 5 infrastructure and networks, the TES support network and/or have unescorted access to the TES computer site are security cleared.

Subcontracted staff who provide cleaning services to the TES computer site are security cleared.

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Senator Sherry asked: Did you check the legal status of material that is dumped at a tip? If someone just happened to be fossicking and picked them up, does the property remain under the legal ownership of the Commonwealth?

Answer: The material was dumped at the tip without authorisation. Section 23 of the *Waste Minimisation Act 2001 (ACT)* states that, when waste is collected from premises by a garbage service provided under section 22 of the Act, the waste becomes the property of the ACT. However, the Commonwealth maintains ownership of the intellectual property in the information contained in the backup tapes.

It is not expected that the backup tapes will be found, as they are believed to be some tens of metres under landfill. However, if the tapes were to be found the Commonwealth would pursue appropriate legal and other measures to restrain any unauthorised use or disclosure of the information initially stored on them.